

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SANDRA B. TOODLE,  
 Plaintiff,

vs.

PRESIDENT BARRACK OBAMA, *et al.*,  
 Defendants.

Case No. 2:13-cv-01619-JCM-CWH

**FINDINGS AND  
RECOMMENDATION**

Plaintiff submitted an Application to Proceed *in Forma Pauperis* (#1) and Complaint on September 5, 2013. On September 19, 2013, the Court entered an Order denying without prejudice Plaintiff's Application to Proceed *in Forma Pauperis* (#1). The Court found several discrepancies in Plaintiff's Application. Plaintiff indicated that she receives income, but failed to disclose the amount of income she received in the past 12 months or expects to receive in the future. Additionally, Plaintiff did not list any expenses. As a result of the discrepancies regarding Plaintiff's income and expenses, the Court found that there was insufficient information to determine whether Plaintiff is eligible to proceed *in forma pauperis*. Plaintiff was given until October 9, 2013 to file a completed Application to Proceed *In Forma Pauperis* or pay the filing fee. Plaintiff failed to submit a completed Application or pay the \$400.00 filing fee by the October 9, 2013 deadline.

Based on the foregoing and good cause appearing therefore,

**RECOMMENDATION**

**IT IS HEREBY RECOMMENDED** that this action be **dismissed** for failure to file a completed Application to Proceed *in Forma Pauperis* or pay the filing fee by October 9, 2013.

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held

1 that the courts of appeal may determine that an appeal has been waived due to the failure to file  
2 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
3 held that (1) failure to file objections within the specified time and (2) failure to properly address and  
4 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual  
5 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt*  
6 *v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

7 DATED this 16th day of October, 2013.

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11 **C.W. Hoffman, Jr.**  
12 **United States Magistrate Judge**  
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